Remarks

The Applicants acknowledge the provisional rejection of Claims 1 and 3 – 18 over Application No. 09/844,322. Inasmuch as this rejection is provisional, the Applicants respectfully request that further action be held in abeyance.

The Applicants acknowledge the rejection of Claims 1 and 3 – 5 under 35 U.S.C. §102 as being anticipated by Yasuda. The Applicants respectfully submit that Yasuda fails to disclose, either implicitly or explicitly, every claimed element as recited in those claims. For example, Claim 1 recites a "doll's skin" that covers and is removed from a portion of the doll and transforms the doll into a different character or object. Yasuda fails to disclose this. This can readily be seen by reference to the Applicants' figures, such as Figs. 7A, 7B and 7C. In those three figures, a doll is covered with a doll's skin and is transformed into a different character or object. It is readily seen that the figure of Fig. 7A is completely covered in Fig. 7C and is a different character. This is in sharp contrast to merely wrapping a laminate over a portion of a doll in an attempt to provide clothing. Claim 1 recites that the pre-existing character no longer exists after that character is covered by the doll's skin.

Yasuda fails to disclose a doll's skin that is a seamless, injection molded elastomeric material. The Applicants agree that Yasuda states "clothes of dolls." However, there is no disclosure, no teaching and no suggestion that the laminate itself is a "clothes of dolls" or should be wrapped to form clothes of dolls or would or could form a doll's skin. Instead, the entire sentence, which provides the proper context, states that the laminate can be cut into a shape and size so that the laminate portion can be used as a constituent element of clothes of dolls – not as clothes or skin by itself. By definition, the fact that the laminate is only a constituent element means that the

laminate itself, taken alone, does not constitute a doll's skin. At best it can be a portion of or an attachment to a doll's garment – not a doll's skin.

As a consequence, neither Fig. 1 nor the paragraph spanning columns 19 and 20 disclose, teach or suggest a seamless doll's skin. In fact, by virtue of the fact that Yasuda teaches that the laminate is only a constituent portion of a doll or doll's skin, this inherently means that any doll's garment utilizing the laminate as a constituent element would not be seamless and would not be wrapped around a doll and/or form a skin. There would need to be some means to attach the constituent element, i.e., the laminate, which inherently would produce some type of seam.

Accordingly, the Applicants respectfully submit that Yasuda not only does not teach a seamless doll's skin, but that it teaches what would inherently at best be a portion of clothing for a doll's garment having a seam by virtue of application of the laminate of Yasuda as a constituent element of such clothes. The Applicants specifically claim "seamless" and Yasuda specifically discloses structure resulting in seams. The reason for this is quite clear. Yasuda does not intend for the laminate to be a doll's skin, wrapped or otherwise, but only intends for the laminate to be a constituent part of the clothing so that it can be utilized as a decorative element. This is briefly explained at the top of column 20 in line 2. It is simply for appearance, not functional use. On this basis alone, the Applicants respectfully submit that the claims are patentably distinct.

Yasuda is also quite clear that his laminate contains multiple layers. In fact, laminates inherently contain multiple layers. Those multiple layers inherently contain seams. Every single drawing of the laminate of Yasuda, extending through all of Figs. 1 – 19, shows such seams. The Applicants enclose a copy of Figs. 1 – 3 of Yasuda wherein two seams are highlighted by an arrow on the lefthand side of each of those figures. Simply put, the Yasuda laminate inherently has seams

which are expressly excluded by the Applicants' Claims 1 and 3- 5, which recite a "seamless" molded elastomeric material. Therefore, the Applicants respectfully submit that Yasuda fails to disclose an important, affirmatively claimed aspect of the invention as recited in Claims 1 and 3 – 5. Withdrawal of the 35 U.S.C. §102 rejection of Claims 1 and 3 –5 is respectfully requested.

Claims 1 and 3 – 5 also call for a seamless doll's skin formed from an injection moldable thermoplastic elastomer in a molded shape to fit over at least a portion of a doll. The Applicants note with appreciation the Examiner's helpful comments concerning injection molding at column 5 line 42. That full paragraph states the following:

> The resin molded articles which can be used as a resin layer of the laminate include small pieces other than films and extruded or injection molded articles of any shape and size.

The above paragraph refers to injection molded articles of any shape and size. However, it states that the resin molded articles are used as a resin layer of the laminate. In other words, Yasuda teaches injection molding articles as part of a single layer and then using those injection molded articles as constituents of a laminate. Yasuda does not teach or suggest that his invention (i.e. the laminate) is injection molded. It clearly is not as a result of the teachings of the paragraph in column 5 at the beginning of line 40. As a consequence, there are utterly no teachings or suggestions to those of ordinary skill in the art to injection mold a seamless doll's garment based on Yasuda. His references to injection molding are merely formation of injection molded articles that can be used as part of a layer. This is not the same as a teachings or suggestions to injection mold a seamless doll's skin.

Moreover, Claims 1 and 3 – 5 recite that the skin has a molded shape to fit over at least a portion of a doll. This simply does not exist in Yasuda and there are no teachings or suggestions that

would lead one of ordinary skill in the art to form such a skin. The laminate of Yasuda does not have a molded shape to fit over at least a portion of a doll. There are several reasons for this. First, the laminate of Yasuda is not molded and is not shaped as set forth above. It is merely a laminate of multiplicity of layers. This inherently is not molded. There is also no shape to fit over at least a portion of a doll or of clothes or a doll's skin. It is merely a sheet and does not have a shape that is substantially in conformance with the corresponding shape of a doll. In other words, if the laminate of Yasuda was not wrapped around a doll, it would not be a skin and it would have no shape wherein the shape fits over at least a portion of a doll. In sharp contrast, in the invention, the garment still retains the shape of the doll irrespective of whether it is fitted over the doll or not.

The Applicants agree that Yasuda discloses a thermoplastic elastomer. In fact, Yasuda discloses a large number of resins that may be utilized to form films suitable for use to form the laminate. There is, however, a radical difference between films whether thermoplastic or otherwise or elastomer or otherwise and an injection molded seamless doll's skin. A doll's skin is not a film which is what Yasuda teaches. Yasuda specifically teaches a laminate of multiple films. The Applicants do not injection mold films made of thermoplastic elastomer. Instead, the Applicants injection mold thermoplastic elastomer directly into a seamless doll's skin. This is simply not disclosed, taught or suggested by Yasuda.

Yasuda does not disclose that the garment has a wall thickness of 1 to 3 mm as recited in Claim 1. Therefore, §102 does not apply.

It would also not be obvious to provide a garment of Yasuda with the claimed thickness. The general disclosure of Yasuda does not provide any guidance concerning the thickness of the laminate or the thickness of the resin layers forming the laminate. However, Yasuda does provide a

multiplicity of examples which specifically set forth the thickness of the individual layers comprising the laminate. Those thicknesses are set forth in the chart for the Examiner's convenience.

Example	Overall thickness (μm, or mm^{-3})
1	100
2	115
3	150
4	70
6	65
7	85
8	85
9	125
10	150
11	100
12	92
13	92
14	75
15	75
16	92
17	100
18	100
19	120
23	100
24	100

It is clear from these examples that the laminate thickness of Yasuda ranges between 65 μm all the way up to 150 μm. In sharp contrast, Claim 1 recites a wall thickness of 1 to 3 mm. The equivalent thickness is 1,000 μm to 3,000 μm. This is because the Yasuda laminate is for decorative purposes with no structural functionality.

This is a radical difference in thicknesses and there are no teachings, disclosure or suggestions in Yasuda to increase the thickness at all, much less increasing the thickness to the thickness recited in the solicited claims. At a minimum, the claimed thickness is more than 6 ½ times larger than the thickness of the thickest Yasuda laminate. At the other end of the spectrum,

the claimed range is over 46 times larger than that taught by Yasuda. The Applicants accordingly ask the question: "How could increasing the thickness by at least 6 ½ times make the skin easier to repeatedly fit over and remove from the doll?" The answer is simple: one of ordinary skill in the art would not tend to increase the thickness of a laminate to make it easier to use on a doll assuming that the laminate was in fact a doll's skin. Logic suggests that removing the skin and reapplying it to a doll with legs and arms would only be more difficult if the thickness were increased. Logic suggests that there would be no gain in the ease of playing with the doll and/or the doll's skin by increasing the thickness. It is well known that increasing thickness tends to make an item stiffer and less pliable relative to a thinner item.

As a consequence, the Applicants respectfully submit that Yasuda actually leads one of ordinary skill in the art away from the claimed wall thickness aspect of the invention. If one of ordinary skill in the art were to view the thickness teachings of Yasuda, one of ordinary skill in the art would tend to reduce the thickness to the level of Yasuda, not to increase the thickness to the claimed range, which is radically different from the taught thickness of the laminate of Yasuda. Withdrawal of the 35 U.S.C. §102 rejection of Claims 1, 3 and 5 is respectfully requested.

The Applicants acknowledge the rejection of Claim 1 under 35 U.S.C. §102 as being anticipated by Fogarty. The Applicants respectfully submit that Fogarty also fails to disclose, either explicitly or implicitly, every claimed aspect of Claim 1. The Applicants agree that Fogarty discloses doll's clothing that comes in a number of pieces, such as hats, skirts, blouses and the like. However, Fogarty discloses clothes, not a doll's skin which covers and is removed from the doll and transforms the doll into a different character object. Careful examination of the entire Fogarty text reveals that, in no instance, does the Fogarty doll's clothes cover the doll and transform it into a different

character. The doll, as shown in Figs. 11 – 13, for example, always retains its base underlying character since the head and face, for example, are always visible and are the same. Also, all of those dolls clothes as shown and described in Fogarty do not cover the doll. They only are placed over selected portions of the doll and do not cover it as is clearly shown in Figs. 7 and 8, for example, of the Applicants' drawings. Claim 1 also recites that the doll skin has a wall thickness of from 1mm to 3mm. Careful scrutiny of the entire Fogerty disclosure reveals that there is not one word concerning the thickness of wall thickness of the articles of Fogerty. Accordingly, Fogerty fails to either implicitly or explicitly disclose another feature of the invention as recited in Claim 1.

It would also not be obvious to utilize the claimed thickness for the reasons set forth above with respect to Yasuda. Specifically, one of ordinary skill in the art would tend to believe that decreasing the thickness of the articles would lead to ease of playing with the doll/doll's skin. This would lead one of ordinary skill in the art more toward the range of the thicknesses of the Yasuda laminate, as opposed to the thickness set forth in Claim 1. Logic suggests there would be no gain in the ease of playing with the doll and or the doll's skin by increasing the thickness. It is simply quite well known that increasing thickness tends to make an item stiffer and less pliable relative to a thinner item. Withdrawal of the 35 U.S.C. §102 rejection of Claim 1, based on Fogarty, is respectfully requested.

The Applicants acknowledge the rejection of Claims 6 – 11 and 13 – 14 under 35 U.S.C. §103 over Yasuda. The Applicants respectfully submit that all of Claims 6 – 11 and 13 – 14 are patentable over Yasuda. All of the reasoning set forth above with respect to Claims 1 and 3–5 (except for the skin thickness in several claims) apply with equal force. For example, Claims 6-11 and 13-14 recite that either the doll's garment or the doll's skin comprises a seamless, injection

molded elastomeric material. Yasuda does not disclose, teach or suggest such a claimed structure. In sharp contrast, Yasuda discloses a structure that is a laminate formed of multiple layers which inherently contains seams. The Applicants again invite the Examiner's attention to the enclosed copies of Figs. 1 – 3 of Yasuda that, in each case, show two seams in the Yasuda laminate. Figs. 6, 7, 8, 9, 15 and 16 – 18 all show two seams. Figs. 5 and 19 show one seam. The remaining figures show more than two seams. However, the fundamental essence of Yasuda is a laminate material inherently contains seams, all of such seams being shown in each of the Yasuda figures. Therefore, even if assuming *arguendo* the validity of the Examiner's helpful comments, the doll's skin or doll's garment of Yasuda fails to teach or suggest a seamless, molded elastomeric material. Yasuda accordingly does not apply to any of Claims 6 – 11 and 13 – 14.

There are further problems with Yasuda. Simply because a material is elastomeric does not mean that it has a 100% modulus of elasticity between 120 and 350 KN/m^2. It would be nothing more than mere speculation, completely unsupported by facts on the record, that the laminate of Yasuda has a 100% modulus of elasticity between 120 and 350 KN/m^2. In fact, one of ordinary skill in the art would likely believe that the modulus would be outside of the claimed range inasmuch as Yasuda employs at least two layers and, in most instances, three layers. The modulus of the Yasuda laminates is completely speculative inasmuch as Yasuda provides utterly no disclosure, teachings or suggestions as to what the modulus would likely be. In fact, Yasuda pays no attention at all to the modulus and, apparently, has no appreciation for its importance at all. That is because Yasuda is concerned with distortion, not stretching.

The Applicants respectfully submit that the fact that the Yasuda material has a modulus of elasticity is irrelevant. Every material has a modulus of elasticity. What is important is that there

be teachings or suggestions in that disclosure that would lead one of ordinary skill in the art to the claimed modulus. There is utterly no disclosure on that point. It is simply unsupported speculation as to what the modulus of the Yasuda laminates might be. Unfortunately, such speculation cannot support a rejection under 35 U.S.C. §103.

In any event, the Applicants respectfully submit that Yasuda has utterly no appreciation for this claimed aspect of the invention. Careful scrutiny of the entire disclosure reveals that there is not one word concerning modulus of elasticity. Moreover, inasmuch as the laminate of Yasuda is merely a constituent element of dolls or clothes of dolls, elasticity, in the context in which it is utilized herein, is essentially unimportant. Moreover, to the extent that there is an issue of deformability in Yasuda, Yasuda provides very specific teachings as to how to achieve such deformability. This is, of course, achieved in Yasuda by utilization of individual layers that have different coefficients of thermal expansion/contraction of the various resin layers at different rates, thereby willfully and deliberately causing deformation. This is a serious departure from Claims 6 – 11 and 13 – 14 which utilizes a specifically claimed modulus of elasticity to achieve the desired amount of elasticity in those claims.

The Applicants respectfully submit that one of ordinary skill in the art would not look to a particular modulus of elasticity to achieve overall elasticity in deformability as a consequence of looking to Yasuda. Instead, one of ordinary skill in the art would at best take a sharply different path, utilize multiple layers of resins having different coefficients of thermal expansion to form a laminate that is deformable based on temperature differences. The Applicants have no concern at all with respect to such an approach and the claimed modulus of elasticity is nowhere disclosed, taught or suggested by Yasuda. Again, Yasuda goes in a completely different direction leading one

of ordinary skill in the art away from that claimed aspect. Withdrawal of the rejection of Claims 6 – 11 and 13 – 15 is respectfully requested.

Finally, there is utterly no disclosure in Yasuda concerning the heights or sizes of the dolls and, accordingly, there is nothing on this record that supports the rejection of Claim 10, which specifically recites a height range of above 8 cm to about 20 cm. Withdrawal of the rejection of Claims 6-11 and 13-15 is respectfully requested.

The Applicants acknowledge the rejection of Claim 12 under 35 U.S.C. §103 over the hypothetical combination of Fogarty with Yasuda. Unfortunately, assuming *arguendo* that Fogarty discloses molded doll garments having integrally molded details, the hypothetical combination would still not result in the invention as recited in Claim 12. Integrally molding a detail onto a laminate of Yasuda would still result in a laminate having seams and would further have all of the deficiencies as set forth above with respect to Claim 1. As a consequence, the hypothetical combination can also not apply to Claim 12. Withdrawal of that rejection is respectfully requested.

The Applicants acknowledge the rejection of Claims 3 – 5 and 9 under 35 U.S.C. §103 over the hypothetical combination of Yasuda with Fogarty. Unfortunately, the deficiencies set forth above with respect to Fogarty fully apply to Claims 3 – 5 and 9. Fogarty utterly fails to teach or suggest a doll's skin that covers and is removed from the doll and transforms the doll into a different character or object. There is utterly no disclosure that the doll's skin covers the doll. At best, Fogarty discloses doll's garments which surround selected portions of the doll but, when even taken collectively, do not cover the doll as shown in Figs. 7 and 8 of the Applicants' drawings. There is also silence on the claimed wall thickness. Thus, Fogarty remains inapplicable.

Hypothetically combining Yasuda with the long list of polymeric materials disclosed therein

fails to cure the deficiencies of Fogarty. Moreover, inasmuch as Yasuda discloses a laminate containing multiple layers with multiple types of materials, Yasuda provides at best a laundry list of polymeric components from at least two, if not more layers. Thus, one of ordinary skill in the art would be faced with the question as to which material from which layer to apply to Fogarty. There is nothing in Yasuda that provides teachings or suggestions to those of ordinary skill in the art to speculate as to which material from which layer of the laminate, if any, would be applicable to Fogarty. Accordingly, one of ordinary skill in the art would not make the hypothetical combination. As a consequence, the hypothetical combination is based on forbidden hindsight.

In any event, even if the hypothetical combination were made, the resulting structure would still fail to teach or suggest a doll's skin that covers the doll as shown in Figs. 7 and 8 of the Applicants' drawings and transforms that doll into a completely different character or object. Also, Yasuda teaches away from the claimed wall thickness. Hence, the resulting combination would still fail to teach or suggest the subject matter of claims 3-5 and 9. Withdrawal of the rejection is respectfully requested.

The Applicants acknowledge the rejection of Claim 15 under 35 U.S.C. §103 as being obvious over the hypothetical combination of Yasuda with Fogarty. Inasmuch as the Applicants have amended Claim 15 to include the subject matter of Claim 17, the Applicants respectfully submit that that rejection is now moot.

The Applicants acknowledge the rejection of Claims 16 – 18 under 35 U.S.C. §103 as being unpatentable over the hypothetical combination of Gross and Yasuda with Fogarty. The Applicants respectfully submit that such a hypothetical combination does not apply to those claims. There is utterly nothing in Fogarty and/or Yasuda that teaches those of ordinary skill in the art to provide a

seamless synthetic polymer garment having a 100% modulus of elasticity between 120 and 350KN/m^2 for the reasons set forth above. Careful scrutiny of the entirety of both documents reveals that there is not one word of disclosure on this point. Also, as noted above, the fact that material inherently has a modulus of elasticity does not in any way suggest to those of ordinary skill in the art that such a modulus of elasticity is of any importance, much less that it should be between 120 and 350 KN/m^2. In fact, both references are so completely devoid of disclosure on this point that they are non-enabling as references for that subject matter. It simply does not exist in either of those references and in no way can be considered inherent, especially in view of the multiple layers disclosed by Yasuda. Withdrawal of the rejection of Claims 16 and 18 is accordingly respectfully requested.

The Applicants submit an Information Disclosure Statement, together with Form PTO-1449 containing publications mentioned in a corresponding application. Those publications do not change the patentability of the claims solicited herein.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,

T. Daniel Christenbury
Reg. No. 31,750

TDC:ks
(215) 656-3381